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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

07-CV-00411-MISC

**BEFORE THE JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION**

In re Pet Food Litigation

MDL Docket No. 1850

**NOTICE OF APPEARANCE AND NOTICE OF PRESENTATION OF ORAL
ARGUMENT**

Attorneys Dennis E. Murray, Sr., John T. Murray, Jr., and Leslie O. Murray of Murray & Murray Co., L.P.A., and Jeremy Gilman and Nicole Dorsky of Benesch Friedlander Coplan & Aronoff LLP hereby give notice to the Judicial Panel on Multidistrict Litigation of their appearance on behalf of Gregory T. Boehm in MDL docket No. 1850. Additionally, the undersigned hereby give the Panel notice of their intent to present oral argument in support of Mr. Boehm's Motion to Transfer the Actions under MDL Docket No. 1850 at the hearing scheduled for May 31, 2007 and respectfully request that the Panel allow them the opportunity to present oral argument at the hearing.

Respectfully Submitted,

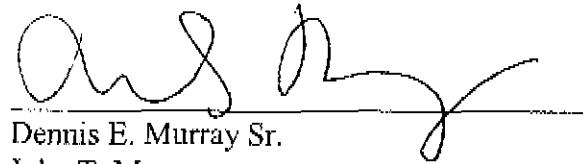

Dennis E. Murray Sr.
John T. Murray
Leslie O. Murray
MURRAY & MURRAY CO., L.P.A.
111 East Shoreline Drive
P.O. Box 19
Sandusky, Ohio 44870
Telephone: 419-624-3000
FAX: 419-624-0707

Jeremy Gilman (Reg. # 0014144)
Nicole Dorsky (Reg. # 0079202)
Benesch, Friedlander, Coplan & Aronoff LLP
200 Public Square #2300
Cleveland, OH 44114-2378
Telephone: (216) 363-4500
FAX: (216) 363-4588

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of May, 2007, the foregoing was filed via overnight mail. A copy of the foregoing has been served upon all District Court Clerks and Counsel for all parties of this proceeding, by mailing the same to each on the 11th day of May, 2007, by regular mail.



Dennis E. Murray Sr.
John T. Murray
Leslie O. Murray
MURRAY & MURRAY CO., L.P.A.
111 East Shoreline Drive
P.O. Box 19
Sandusky, Ohio 44870
Telephone: 419-624-3000
FAX: 419-624-0707

Jeremy Gilman (Reg. # 0014144)
Nicole Dorsky (Reg. # 0079202)
Benesch, Friedlander, Coplan & Aronoff LLP
200 Public Square #2300
Cleveland, OH 44114-2378
Telephone: (216) 363-4500
FAX: (216) 363-4588

Attorneys for Plaintiff

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**BEFORE THE JUDICIAL PANEL
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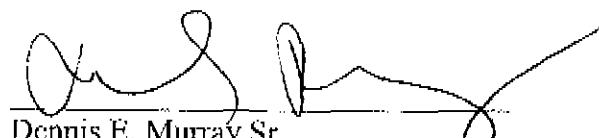
In re Pet Food Litigation

MDL Docket No. 1850

**MOTION OF PLAINTIFFS FOR TRANSFER OF ACTIONS TO THE NORTHERN
DISTRICT OF OHIO PURSUANT TO 28 U.S.C. §1407 FOR COORDINATED OR
CONSOLIDATED PRETRIAL PROCEEDINGS**

Plaintiff Gregory Boehm ("Boehm"), by and through his counsel, respectfully moves this Panel pursuant to 28 U.S.C. § 1407 to transfer the pending cases identified in the Schedule of Actions filed concurrently herewith to the United States District Court for the Northern District of Ohio, and to consolidate or coordinate them for pretrial proceedings.

Respectfully Submitted,



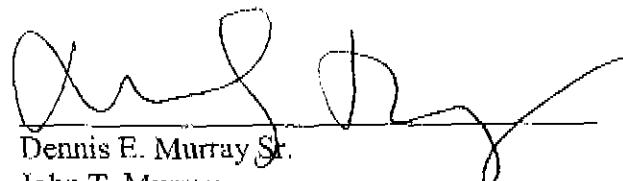
Dennis E. Murray Sr.
John T. Murray
Leslie O. Murray
MURRAY & MURRAY CO., L.P.A.
111 East Shoreline Drive
P.O. Box 19
Sandusky, Ohio 44870
Telephone: 419-624-3000
FAX: 419-624-0707

Jeremy Gilman (Reg. # 0014144)
Nicole Dorsky (Reg. # 0079202)
Benesch, Friedlander, Coplan & Aronoff LLP
2300 BP Tower
200 Public Square
Cleveland, OH 44114-2378
Telephone: (216) 363-4500
FAX: (216) 363-4588

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of May, 2007, the foregoing was filed via overnight mail. A copy of the foregoing has been served upon all District Court Clerks and Counsel for all parties of this proceeding, by mailing the same to each on the 11th day of May, 2007, by regular mail.



Dennis E. Murray Sr.
John T. Murray
Leslie O. Murray
MURRAY & MURRAY CO., L.P.A.
111 East Shoreline Drive
P.O. Box 19
Sandusky, Ohio 44870
Telephone: 419-624-3000
FAX: 419-624-0707

Jeremy Gilman (Reg. # 0014144)
Nicole Dorsky (Reg. # 0079202)
Benesch, Friedlander, Coplan & Aronoff LLP
200 Public Square #2300
Cleveland, OH 44114-2378
Telephone: (216) 363-4500
FAX: (216) 363-4588

Attorneys for Plaintiff



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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

**BEFORE THE JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION**

In re Pet Food Litigation

MDL Docket No. 1850

**BRIEF IN SUPPORT OF PLAINTIFFS' MOTION FOR TRANSFER OF ACTIONS
PURSUANT TO 28 U.S.C. §1407**

I. Background:

1. Plaintiff Gregory Boehm (hereinafter "Boehm") in the N.D. Ohio action filed his complaint against various Menu Foods entities (hereinafter "Menu Foods") for violations of the Ohio Consumer Sales Practice Act and breach of warranty in relation to Menu Foods' manufacturing, producing, supplying, advertising, and selling of adulterated pet food to Ohio consumers from November 2006 through at least such time as the recall was complete. Menu Foods manufactured, produced, supplied, advertised, and sold its pet food product throughout the United States at a multitude of retail stores under many different brand names.

II. Legal Argument:

2. The actions identified have been filed by the Plaintiffs in each action in the district indicated in the Schedule of Actions and each such action is now pending before that court.

3. There are currently at least 64 actions identified in the Schedule of Actions.

4. Certain Defendants have moved to transfer the actions to the Northern District of Illinois and specifically opposed the transfer of the actions to the District of New Jersey. Certain Plaintiffs have moved to transfer the actions to the District of New Jersey, and to various districts in California, Washington, Florida, Arkansas and other states. However, the Northern District of Ohio is the most suitable compromise among all parties. It is centrally located and in the Midwest as Defendants have requested. Yet, it is more convenient to access than Chicago. Defendants have stated that most of the pet food product in question was manufactured Kansas and Streetsville, Ontario, and that some was manufactured in New Jersey. The Northern District of Ohio stands in proximity to all of these locations. It is the most convenient location for Defendants, Plaintiffs, and potential witnesses. Cleveland, Ohio is home to an international airport and a Continental Airlines hub with multiple flights to and from Kansas, Ontario, and New Jersey everyday. Newark, New Jersey is also a Continental Airlines hub, making accessibility to and from Cleveland all the more convenient. There is also a second airport in the Northern District of Ohio in Akron, Ohio.

5. There is no clear location where all of the relevant information is concentrated in this case. Evidence is located in Ontario, Canada, New Jersey, Kansas, and China. Ohio is centrally located and is easily accessible.

6. Cleveland's proximity to Toronto is an important factor. The Northern District of Ohio would be the perfect center of gravity for the actions because of its geographic centrality.

7. Other motions in the Pet Food Litigation have argued that their forum is the best forum because they have many cases pending in that jurisdiction. While this is often an important factor in the MDL Panel's decision, it is irrelevant in this litigation. The Pet Food Litigation complaints all seek class certification. The matters pending in the same jurisdiction, for instance New Jersey, will out of necessity need to be consolidated in order to avoid overlapping classes within the same jurisdiction.

8. The Northern District of Ohio is currently home to 8 MDL actions. Its docket and its judges, including Judge Economus, the Judge assigned to the action filed in Ohio, are capable of handling additional MDL assignments. The Northern District of Ohio enjoys a swift civil action docket. The median time for civil cases from filing to trial is 22.3 months, as compared to 26.4 months in the Northern District of Illinois and 33 months in the District of New Jersey. Furthermore, the judges of the Northern District of Ohio, including Judge Economus, have ample experience administering class actions and complex products liability and commercial litigation cases.

9. The Northern District of Ohio has the capacity and is open to accepting Multi-District Litigation in an effort to use its expertise to promote efficient, streamlined litigation with just and consistent results.

10. *Gregory Boehm v. Menu Foods Inc.* et al. is pending in the Northern District of Ohio.

11. Many of the Class Action Complaints filed throughout the United States in the Pet Food Litigation have overlapping, if not identical, claims. In addition, a number of these Class

Action Complaints aver a national class and/or there are many Class Action Complaints filed in the same jurisdiction. The classes that overlap will need to be consolidated.

12. The Pet Food Litigation cases pending around the United States contain similar issues of fact that will be disclosed through discovery.

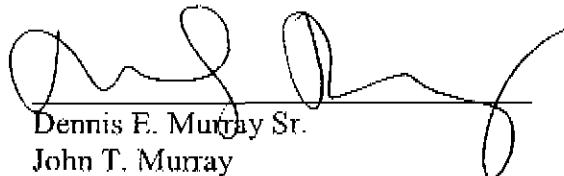
13. If the Pet Food Litigation is not coordinated at a Multi-District Litigation level, there will be duplicative discovery, bringing with it all of the dangers of inconsistent inputs into the judicial system resulting in potentially inconsistent outcomes.

14. Transfer of these actions to the Northern District of Ohio is appropriate because of its centrality , its ease of access, and its proximity between three key sites in this case: Streetsville, Ontario, Canada; New Jersey; and Kansas.

III. Conclusion

15. For the foregoing reasons, Plaintiff Boehm respectfully requests this Court to transfer the Pet Food Litigation actions to the Northern District of Ohio for pretrial procedures.

Respectfully Submitted,



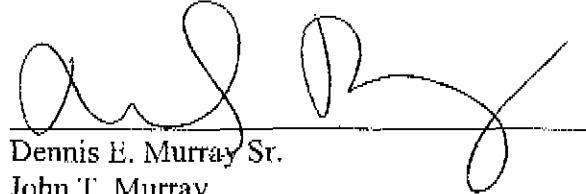
Dennis E. Murray St.
John T. Murray
Leslie O. Murray
MURRAY & MURRAY CO., L.P.A.
111 East Shoreline Drive
P.O. Box 19
Sandusky, Ohio 44870
Telephone: 419-624-3000
FAX: 419-624-0707

Jeremy Gilman (Reg. # 0014144)
Nicole Dorsky (Reg. # 0079202)
Benesch, Friedlander, Coplan & Aronoff LLP
200 Public Square #2300
Cleveland, OH 44114-2378
Telephone: (216) 363-4500
FAX: (216) 363-4588

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

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Dennis E. Murray Sr.
John T. Murray
Leslie O. Murray
MURRAY & MURRAY CO., L.P.A.
111 East Shoreline Drive
P.O. Box 19
Sandusky, Ohio 44870
Telephone: 419-624-3000
FAX: 419-624-0707

Jeremy Gilman (Reg. # 0014144)
Nicole Dorsky (Reg. # 0079202)
Benesch, Friedlander, Coplan & Aronoff LLP
200 Public Square #2300
Cleveland, OH 44114-2378
Telephone: (216) 363-4500
FAX: (216) 363-4588

Attorneys for Plaintiff



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**BEFORE THE JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION**

In re Pet Food Litigation

MDL Docket No. 1850

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 11th day of May, 2007, I caused to be served the following papers:

Notice of Appearance and Notice of Presentation of Oral Argument;

**Motion of Plaintiffs for Transfer of Actions to the Northern District of Ohio
Pursuant to 28 U.S.C. § 1407 for Coordinated or Consolidated Pretrial Proceedings;**

**Brief in Support of Plaintiffs' Motion for Transfer of Actions Pursuant to 28 U.S.C.
§ 1407; and**

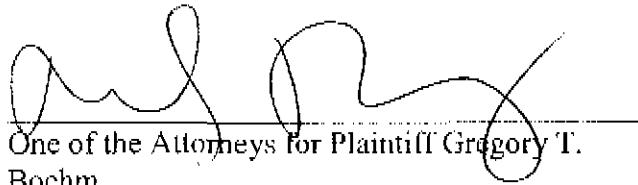
Certificate of Service.

On the 11th day of May, 2007, I caused those papers to be served by Personal Delivery upon:

Jeffrey N. Luthi
Clerk of the Panel
Thurgood Marshall Federal Judiciary Building
One Columbus Circle, NE
Room G-255, North Lobby
Washington, D.C. 20002-8004

On the 11th day of May, 2007, I caused those papers to be served via United States First Class Mail upon:

SEE ATTACHED SERVICE LIST



One of the Attorneys for Plaintiff Gregory T.
Bochm

MENU FOODS
MDL Docket No. 1850
Service List

Counsel for Defendants

Lead Attorney Representing actions in New Jersey *Menu Foods Midwest Corporation*

Gerard H. Hanson
HILL WALLACK
202 Carnegie Center
Princeton, NJ 08543-5226
Telephone: (609) 924-0808
Email: ghh@hillwallack.com

Menu Foods, Inc.
Menu Foods Income Fund
Menu Foods Limited
Menu Foods South Dakota, Inc.
Menu Foods Holdings, Inc.

Lead Attorney Representing actions in Arkansas

Christy Comstock
21 West Mountain Street, Suite 300
Fayetteville, AR 72701
Telephone: (479) 582-3382
Email: ccomstock@joneslawfirm.com

Menu Foods
Menu Foods Holdings, Inc
Menu Foods Midwest Corporation
Menu Foods South Dakota Inc.
Menu Foods, Inc.
Menu Foods Income Fund
Menu Foods Gen Par Limited
Menu Foods Limited Partnership
Menu Foods Operating Partnership

Lead Attorney Representing actions in Arkansas***Wal-Mart Stores, Inc.***

Marshall S. Ney
 MITCHELL, WILLIAMS, SELIG, GATES &
 WOODYARD, PLLC
 5414 Pinnacle Point Drive, Suite 500
 Rogers, AR 72758
 Telephone: (479) 273-9561
 Facsimile: (479) 273-0527
 Email: mney@mwsbw.com

Lead Attorney Representing actions in Washington***Menu Foods***

Jeffrey T. Kestle
 Gary A. Trabolsi
 GARDNER BOND TRABOLSI ST LOUIS &
 CLEMENT
 2200 6th Avenue, Suite 600
 Seattle, WA 98121
 Telephone: (206) 256-6309
 Email: jkestle@gardnerbond.com
gtrabolsi@gardnerbond.com

Lead Attorney Representing actions in Colorado***Menu Foods Holdings, Inc.***

Rachel Lame Carnaggio
 GODFREY & LAPUYADE, P.C.
 9557 S. Kingston Court
 Englewood, CO 80112-5952
 Telephone: (303) 228-0700
 Facsimile: (303) 228-0701
 Email: carnaggio@godlap.com

Menu Foods, Inc.

Menu Foods Income Fund

Menu Foods Limited

Menu Foods Midwest Corporation

Lead Attorney Representing actions in Connecticut***Menu Foods Inc.***

Matthew G. Conway
 Jennifer Katz
 CONWAY & STOUGHTON
 818 Farmington Avenue
 West Hartford, CT 06119
 Telephone: (860) 523-8000
 Facsimile: (860) 523-8002
 Email: mconway@conwaystoughton.com
jkatz@conwaystoughton.com

Lead Attorney Representing actions in Florida	<i>Menu Foods Income Fund</i>
Robert Dewitt McIntosh ADORNO & YOSS 888 SE 3rd Avenue, Suite 500 Fort Lauderdale, FL 33335-9002 Telephone: (954) 523-5885 Facsimile: (954) 760-9531 Email: rdm@adorno.com	<i>Menu Foods, Inc.</i>
Lead Attorney Representing actions filed in Idaho	<i>Menu Foods (Canada)</i>
Stephen R. Thomas MOFFATT THOMAS BARRETT ROCK & FIELDS P.O. Box 829 Boise, ID 83701 Telephone: (208) 345-2000 Facsimile: (208) 385-5384 Email: srt@moffatt.com	
Lead Attorneys Representing actions filed in Illinois	<i>Menu Foods Acquisition Inc.</i>
Edward B. Ruff, III Priya K. Jesani Michael Patrick Turiello PRETZEL & STOUFFER, Chtd. One South Wacker Drive Suite 2200 Chicago, IL 60606-4673 Telephone: (312) 346-1973 Email: eruff@pretzel-stouffer.com pjesani@pretzel-stouffer.com	<i>Menu Foods Holdings, Inc.</i> <i>Menu Foods Income Fund</i> <i>Menu Foods Limited</i> <i>Menu Foods Limited Partnership</i> <i>Menu Foods Midwest Corporation</i> <i>Menu Foods Operating Trust</i> <i>Menu Foods, Inc.</i>
Lead Attorney Representing actions filed in Nevada	<i>Menu Foods, Inc.</i> <i>Menu Foods income Fund</i>
Charles W. Spann PFERRY & SPANN 6130 Plumas Street Reno, NV 89509 Telephone: (775) 829-2002 Facsimile: (705) 829-1808 Email: cspann@perryspenn.com	

Lead Attorney Representing actions filed in Rhode Island	<i>Menu Foods Income Fund</i>
Thomas C. Angelone HODOSH, SPINELLA & ANGELONE PC One Turks Head Place, Suite 1050 Providence, RI 02903 Telephone: (401) 274-0200 Facsimile: (401) 274-7538 Email: angelonelaw@aol.com	<i>Menu Foods Midwest Corporation</i> <i>Menu Foods South Dakota, Inc.</i> <i>Menu Foods, Inc.</i>
Lead Attorney Representing actions filed in Maine	<i>Menu Foods Inc.</i>
Paul C. Catsos THOMPSON & BOWIE 3 Canal Plaza P.O. Box 4630 Portland, ME 04112 Telephone: 774-2500 Email: pcatsos@thompsonbowie.com	<i>Menu Foods Income Fund</i> <i>Menu Foods Limited</i> <i>Menu Foods Midwest Corporation</i>
Lead Attorney Representing actions filed in Tennessee	<i>Menu Foods Inc.</i> <i>Menu Foods Income Fund</i>
Jeffrey R. Thompson O'NEIL, PARKER & WILLIAMSON P.O. Box 217 Knoxville, TN 37901-0217 Telephone: (865) 546-7190 Facsimile: (865) 546-0789 Email: jthompson@opw.com	
Lead Attorneys Representing actions filed in California	<i>Menu Foods Holding Inc.</i> <i>Menu Foods, Inc.</i>
Susan Moriarty Hack HIGGS FLETCHER AND MACK 401 West A Street, Suite 2600 San Diego, CA 92101 Telephone: (619) 236-1551 Facsimile: (619) 696-1410 Email: hack@higgslaw.com	

Don Howarth
 Suzelle M. Smith
 HOWARTH & SMITH
 523 West Sixth Street, Suite 728
 Los Angeles, CA 90014
 Telephone: (213) 955-9400
 Email: dhowarth@howarth-smith.com
ssmith@howarth-smith.com

The Iams Company
The Proctor & Gamble Company

Mordecai D. Boone
 GORDON & REES LLP
 275 Battery Street, 20th Floor
 San Francisco, CA 94111
 Telephone: (415) 986-5900
 Facsimile: (415) 986-8054
 Email: mboone@gordonrees.com

Menu Foods Income Fund
Menu Foods Midwest Corporation
Menu Foods South Dakota Inc.
Menu Foods, Inc.

Jean M. Lawler
 Gina E. Oeh
 MURCHISON AND CUMMING
 Chase Plaza
 801 S. Grand Avenue, 9th Floor
 Los Angeles, CA 90017-4613
 Telephone: (213) 623-7400
 Facsimile: (213) 623-6336
 Email: goch@murchison-cumming.com

Foods, Inc.
Menu Foods Income Fund
Menu Foods Limited
Menu Foods Midwest Corp.
Menu Foods Operating Limited Partnership

Menu Foods, Inc.
Petco Animal Supplies Inc.
The IAMS Company

Gary L. Justice
 William E. Wegner
 GIBSON DUNN AND CRUTCHER
 333 S. Grand Ave.
 Los Angeles, CA 90071-3197
 Telephone: (213) 229-7000
 Email: wwegner@gibsondunn.com

Nutro Products

Robert Troyer
 HOGAN & HARTSON LLP
 One Tabor Center
 1200 Seventeenth Street, Suite 1500
 Denver, CO 80202
 Telephone: (303)899-7300
 Facsimile: (303) 899-7333

Nestle

Additional Defendants	
Menu Foods Gen Par Limited c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	Menu Foods Limited Partnership c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
Menu Foods Operating Partnership c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	Wal-Mart Stores, Inc. c/o The Corporation Company 425 W. Capitol Avenue, Suite 1700 Little Rock, AR 72201
Eukanuba One Proctor & Gamble Plaza C-2 Cincinnati, OH 45202	Xuzhou Anying Biologic Technology Development Co. Ltd c/o Mr. Mao Lujun Wangdian Industrial Pei County Jiangsu Xuzhou, Jiangsu, P. R. China
Suzhou Textile Import and Export Company 201 Zhuhui Road Suzhou, Jiangsu, China 215006	Nestle USA, Inc. Nestle Holdings, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
Nestle Purina Petcare Co. c/o CT Corporation System 120 South Central Avenue Clayton, MO 63105	Nestle, S.A. do Nestlé USA, Inc. 800 North Brand Blvd. Glendale, CA 91203
Chemnutra, Inc. c/o National Registered Agents, Inc. 160 Greentree Drive, Suite 101 Dover, DE 19904	

David L. Lillehaug
 FREDRIKSON & BYRON, P.A.
 200 S. Sixth Street, Suite 4000
 Minneapolis, MN 55402

Counsel For The Menu Food Entities

Barbara L. Croutch
 PILLSBURY WINTHROP SHAW PITTMAN LLP
 725 S. Figueroa Street, Suite 2800
 Los Angeles, CA 90017-5406

Counsel For Petco

Charles H. Abbott III
 GIBSON DUNN & CRUTCHER LLP
 333 S. Grand Avenue
 Los Angeles, CA 90071-3197

Counsel For Nutro Products, Inc.

Gerard H. Hanson
 HILL WALLACK
 202 Carnegie Center
 Princeton, NJ 08543-5226
 Telephone: (609) 924-0808
 Email: ghh@hillwallack.com

Chemnutra, Inc.

Attorneys for Plaintiffs

Jason M. Hatfield
 LUNDY & DAVIS, LLP
 300 North College Avenue, Suite 309
 Fayetteville, AR 72701
 Telephone: (479) 527-3921
 Facsimile: (479) 587-9196
 Email: jhatfield@lundydavis.com

Sims v. Menu Foods
 5:07-cv-05053-JLH
 W.D. Arkansas

Richard A. Adams
 PATTON, ROBERTS, McWILLIAMS &
 CAPSHAW
 2900 Saint Michael Drive, Suite 400
 Texarkana, TX 75503
 Telephone: (903) 334-7107
 Facsimile: (903) 334-7007
 Email: radams@pattonroberts.com

Widen v. Menu Foods
 5:07-cv-05055-RTD
 W.D. Arkansas

Jeremy Y. Hutchinson
Jack T. Patterson, II
PATTON, ROBERTS, McWILLIAMS &
CAPSHAW
111 Center Street, Suite 1315
Little Rock, AR 72201
Telephone: (501) 372-3480
Facsimile: (501) 372-3488
Email: jhutchinson@pattonroberts.com

Timothy Chad Hutchinson
WILLIAMS & HUTCHINSON, LLP
5417 Pinnacle Point Drive, Suite 500
Rogers, AR 72758
Telephone: (479) 464-4944
Facsimile: (479) 464-4946
Email: thutchinson@whs-lawfirm.com

Sean F. Rommel
PATTON, ROBERTS, McWILLIAMS, GREER &
CAPSHAW, LLP
P.O. Box 6128
2900 St. Michael Drive
Texarkana, TX 75505-6128
Telephone: (903) 334-7000
Facsimile: (903) 334-7007
Email: srommel@pattonroberts.com

James C. Wyly
PATTON, ROBERTS, McWILLIAMS &
CAPSHAW, LLP
P. O. Box 6128
Texarkana, TX 75505
Telephone: (903) 334-7000
Facsimile: (903) 334-7007
Email: jwyly@pattonroberts.com

Jason M. Hatfield
LUNDY & DAVIS, LLP
300 North College Avenue, Suite 309
Fayetteville, AR 72701
Telephone: (479) 527-3921
Facsimile: (479) 587-9196
Email: jhatfield@lundydavis.com

Cooper v. Menu Foods
4:07-cv-04036-LFB
W.D. Arkansas

William Gene Horton
 NOLAN, CADDELL & REYNOLDS, PA
 P.O. Box 184
 Fort Smith, AR 72902
 Telephone: (479) 782-5297
 Facsimile: (479) 782-5194
 Email: bhorton@justicetoday.com

Gray v. Menu Foods
5:07-cv-05065-RTD
W.D. Arkansas

Jeffrey B. Cereghino
 BERDING AND WEIL
 3240 Stone Valley Road West
 Alamo, CA 94507
 Telephone: (925) 838-2090
 Facsimile: (925) 820-5592
 Email:

Swarberg v. Menu Foods
3:07-cv-00706-BTM-POR

Eric Benink
 KRAUSE KALFAYAN BENINK AND SLAVENS
 625 Broadway, Suite 635
 San Diego, CA 92101
 Telephone: (619) 232-0331
 Facsimile: (619) 232-4019

Payne v. Menu Foods
3:07-cv-00705-JAH-CAB

Mark J. Tamblyn
 WEXLER TORISEVA WALLACE
 1610 Arden Way, Suite 290
 Sacramento, CA 95815
 Telephone: (916) 568-1100
 Email: mjt@wtwlaw.us

Sexton v. Menu Foods
07-cv-01958-GHK-AJW
C.D. California

Stuart Talley
 KERSHAW CUTTER RATINOFF & YORK
 980 9th Street, 19th floor
 Sacramento, CA 95814
 Telephone: (916) 448-9800
 Facsimile: (916) 669-4499

Jeff S. Westerman
 Sabrina S. Kim
 MILBERG WEISS & BERSHAD LLP
 One California Plaza
 300 S. Grand Avenue, Suite 3900
 Los Angeles, CA 90071
 Telephone: (213) 617-1200
 Facsimile: (213) 617-1200
 Email: jwesterman@milbergweiss.com
skim@milbergweiss.com

Howe v. Menu Foods
2:07-cv-02060-SJO-PLA
C. D. California

Jeff S. Westerman
Sabrina S. Kim
Cheryl A. Williams
Michiyo Michelle Furukawa
MILBERG WEISS & BERSHAD LLP
One California Plaza
300 S. Grand Avenue, Suite 3900
Los Angeles, CA 90071
Telephone: (213) 617-1200
Facsimile: (213) 617-1200
Email: jwesterman@milbergweiss.com
skim@milbergweiss.com

Townsend v. Menu Foods
5:07-cv-00398-GHK-AJW
C.D. California

Jeff S. Westerman
Sabrina S. Kim
Cheryl A. Williams
Michiyo Michelle Furukawa
MILBERG WEISS & BERSHAD LLP
One California Plaza
300 S. Grand Avenue, Suite 3900
Los Angeles, CA 90071
Telephone: (213) 617-1200
Facsimile: (213) 617-1200
Email: jwesterman@milbergweiss.com
skim@milbergweiss.com

Chamberlain v. Nestle SA
2:07-cv-02476-FMC-SS
C.D. California

James L. Davidson
Paul J. Geller
Stuart Andrew Davidson
LERACH COUGHLIN STOIA GELLER RUDMAN
& ROBBINS
120 E. Palmetto Park Rd., Suite 500
Boca Raton, FL 33432
Telephone: (561) 750-3000
Facsimile: (561) 750-3364
Email: jdavidson@lerachlaw.com
sdavidson@lerachlaw.com
pgeller@lerachlaw.com
shawnw@lerachlaw.com

Ingles v. Menu Foods
3:07-cv-01809-MMC
N.D. California

Shawn A. Williams
LERACH COUGHLIN STOIA GELLER RUDMAN
& ROBBINS
100 Pine Street, Suite 2600
San Francisco, CA 94111

Robert M. Churella
Robert K. Friedl
Michael L. Kelly
KIRTLAND & PACKARD
2361 Rosecrans Ave., 4th Floor
El Segundo, CA 90245
Telephone: (310) 536-1000
Email: rmc@kirtland-packard.com
rkf@kirtlandpackard.com
michaellkelly@earthlink.net

Paul Randolph Johnson v. Menu Foods
2:07-cv-01987-GHK-AJW
C.D. California

Andrew H. Friedman
Gregory D. Helmer
HELMER AND SMITH
723 Ocean Front Walk
Venice, CA 90292
Telephone: (310) 396-7714

Grady v. Menu Foods
2:07-cv-02253-DDP-PLA
C.D. California

Paul L. Hoffman
Michael S. Morrison
Michael D. Seplow
SCHONBRUN DeSIMONE SEPLOW HARRIS
AND HOFFMAN
723 Ocean Front Walk, Suite 100
Venice, CA 90291-3270
Telephone: (310) 396-0731
Facsimile: (310) 399-7040
Email: hoffpaul@aol.com

Thomas M. Ferlauto
William T. King
KING & FERLAUTO
1880 Century Park East, Suite 820
Los Angeles, CA 90067-1627
Telephone: (310) 552-3366
Email: ferlauto@pacbell.net

Finestone v. Menu Foods
2:07-cv-02338-CAS-CW
C.D. California

Bruce E. Newman
Kevin E. Creed
NEWMAN, CREED & ASSOCIATES
P.O. Box 575
Bristol, CT 06011-0575
Telephone: (860) 583-5200
Facsimile: (860) 582-0012
Email: bnewman@newmancreedlaw.com
kcreed@newmancreedlaw.com

Osborne v. Menu Foods
07-cv-00469-RNC
D. Connecticut

Sokolowski v. Menu Foods
1:2007cv01709
D. New Jersey

Debra Lynn Waldhauer - *pro per*
Satoru Waldhauer
159 N. Audrey Circle NW
Fort Walton Beach, FL 32548
Telephone: (850) 243-8974

Waldhauer v. Menu Foods
3:07-cv-00131-MCR-EMT
N.D. Florida

James Lee Davidson
Paul Jeffrey Geller
Stuart Andrew Davidson
LERACH COUGHLIN STOIA GELLER RUDMAN
& ROBBINS
120 B. Palmetto Park Rd., Suite 500
Boca Raton, FL 33432
Telephone: (561) 750-3000
Facsimile: (560) 750-3364
Email: jdavidson@lerachlaw.com
sdavidson@lerachlaw.com
pgellcr@lerachlaw.com

Troiano v. Menu Foods
0:07-cv-60428-JJC
S.D. Florida

Lawrence M. Kopelman
KOPELMAN & BLANKMAN
350 E. Las Olas Blvd., Suite 980
Fort Lauderdale, FL 33301
Telephone: (954) 462-6855
Facsimile: (954) 462-6899

Scott Wm. Weinstein
MORGAN & MORGAN, PA
12800 University Drive, Suite 600
P.O. Box 9504
Ft. Myers, FL 33906
Telephone: (239) 433-6880
Facsimile: (239) 433-6836
Email: sweinstein@forthepeople.com

Ferrarese v. Menu Foods
2:07-cv-00235-JES-DNF
M.D. Florida

Gary B. Mason
THE MASON LAW FIRM, P.C.
1225 19th Street NW, Suite 500
Washington, DC 20036
Telephone: (202) 429-2290
Facsimile: (202) 429-2294
Email: gmason@masonlawdc.com

Scott Rhead Shepherd
SHEPHERD FINKELMAN MILLER & SHAH
4400 N. Federal Highway
Lighthouse Point, FL 33064-1717
Telephone: (954) 943-9191
Facsimile: (954) 943-9173
Email: sshepherd@classactioncounsel.com

Donnelly v. Menu Foods
1:07-cv-20955-JAL
S.D. Florida

Bruce S. Bistline
Philip Howard Gordon
GORDON LAW OFFICES
623 W. Hays
Boise, ID 83702-5512
Telephone: (208) 345-7100
Facsimile: (208) 345-0050
Email: bbistline@gordonlawoffices.com
pgordon@gordonlawoffices.com

Klimes v. Menu Foods
1:07-cv-00160-MHW
D. Idaho

Mick Hodges
PETERSON HODGES & HARPER
P.O. Box 3088
Twin Falls, ID 83303-5298
Telephone: (208) 733-5500
Email: mick76hodges@aol.com

John Blim
Jay Edelson
BLIM & EDELSON, LLC
53 West Jackson Blvd., Suite 1642
Chicago, IL 60604
Telephone: (312) 913-9400
Facsimile: (312) 913-9401
Email: john@blimlaw.com
jay@blimlaw.com

Majerczyk v. Menu Foods
1:07-cv-01543
N.D. Illinois

Gino L. DiVito
TABET DiVITO & ROTHSTEIN LLC
209 S. La Salle Street, 7th Floor
Chicago, IL 60604
Telephone: (312) 762-9460
Email: gdivito@tdrlawfirm.com

Brian R. Cunha
 BRIAN CUNHA & ASSOCIATES
 311 Pine Street
 Fall River, MA 02720
 Telephone: (508) 675-9500
 Facsimile: (508) 679-6565
 Email: Brian@briancunha.com

Rodrigues v. Menu Foods
1:07-cv-10745-EFH
D. Massachusetts

Leonard M. Gulino
 Daniel J. Mitchell
 Theodore A. Small
 Michael R. Bosse
 BERNSTEIN, SHUR
 100 Middle Street
 P.O. Box 9729
 Portland, ME 04104-5029
 Telephone: (207) 774-1200
 Email: lgulino@bssn.com
mbossee@bernsteinshur.com
dmitchell@bernsteinshur.com
tsmall@bernsteinshur.com

Brazilian v. Menu Foods Income Fund
2:07-cv-00054-GZS
D. Maine

Brian O. O'Mara
 O'MARA LAW FIRM, P.C.
 311 E. Liberty Street
 Reno, NV 89501
 Telephone: (775) 323-1321
 Facsimile: (775) 323-4082
 Email: brian@omaralaw.net

Streczyn v. Menu Foods
3:07-cv-00159-LRH-VPC
D. Nevada

Bruce Daniel Greenberg
 Allyn Zissel Lite
 LITE, DEPALMA, GREENBERG & RIVAS, LLC
 Two Gateway Center, 12th Floor
 Newark, NJ 07102
 Telephone: (973) 623-3000
 Email: bgreenberg@ldgrlaw.com
alite@ldgrlaw.com

Richard & Kohler v. Menu Foods
1:07-cv-01457-NLH-AMD
D. New Jersey

Donna Siegel Moffa
 TRUJILLO RODRIGUEZ & RICHARDS
 8 Kings Highway West
 Haddonfield, NJ 08033
 Telephone: (856) 795-9002
 Email: donna@trrlaw.com

Workman v. Menu Foods
1:07-cv-01338-NLH-AMD
D. New Jersey

Sherrie R. Savett
Michael T. Fantini
Russell D. Paul
BERGER & MONTAGUE, P.C.
1622 Locust Street
Philadelphia, PA 19103

Gregg D. Trautmann
TRAUTMANN & ASSOCIATES, LLC
262 East Main Street
Rockaway, NJ 07866
Telephone: (973) 316-8100
Email: gdt@trautmann.com

Thomson v. Menu Foods
1:07-cv-01360-PGS-RJH
D. New Jersey

Alan E. Sash
McLAUGHLIN & STERN, LLP
260 Madison Avenue
New York, NY 10016
Telephone: (212) 448-1100
Facsimile: (212) 448-0066
Email: asash@mclaughlinstern.com

Tinker v. Menu Foods
1:07-cv-01468-NLH-AMD
D. New Jersey

Arthur N. Abbey
Stephen T. Rodd
Orin Kurtz
ABBEY SPANIER RODD ABRAMS & PARADIS
212 East 39th Street
New York, NY 10016

Joseph J. DePalma
LITE, DEPALMA, GREENBERG & RIVAS, LLC
Two Gateway Center, 12th Floor
Newark, NJ 07102-5003
Telephone: (973) 623-3000
Email: jdpalma@ldgrlaw.com

Richard v. Menu Foods
1:07-cv-01457-NLH-AMD
D. New Jersey

Joseph J. DePalma
LITE, DEPALMA, GREENBERG & RIVAS, LLC
Two Gateway Center, 12th Floor
Newark, NJ 07102-5003
Telephone: (973) 623-3000
Email: jdpalma@ldgrlaw.com

Wilson v. Menu Foods
1:07-cv-01456-NLH-AMD
D. New Jersey

Mark J. Tamblyn
WEXLER TORISEVA WALLACE
1610 Arden Way, Suite 290
Sacramento, CA 95815

Kenneth A. Wexler
 WEXLER TORISEVA WALLACE
 One North La Salle Street, Suite 2000
 Chicago, IL 60602

KERSHAW CUTTER & RATINOFF, LLP
 980 9th Street, 19th Floor
 Sacramento, CA 95814

Michael A. Ferrara, Jr.
 THE FERRARA LAW FIRM, LLC
 601 Longwood Avenue
 Cherry Hill, NJ 08002
 Telephone: (856) 779-9500
 Email: mferrara@ferraralawfirm.com

William M. Audet
 Michael McShane
 Kevin L. Thomason
 AUDET & PARTNERS, LLP
 221 Main Street, Suite 1460
 San Francisco, CA 94105

Bonier v. Menu Foods
1:07-cv-01477-NLH-AMD
D. New Jersey

Joseph J. DePalma
 LITE, DEPALMA, GREENBERG & RIVAS, LLC
 Two Gateway Center, 12th Floor
 Newark, NJ 07102-5003
 Telephone: (973) 623-3000
 Email: jdepalma@ldgrlaw.com

Hidalgo v. Menu Foods
1:07-cv-01488-NLH-AMD
D. New Jersey

James Lee Davidson
 Paul Jeffrey Geller
 LBRACH COUGHIN STOIA GELLER RUDMAN
 & ROBBINS
 120 E. Palmetto Park Rd., Suite 500
 Boca Raton, FL 33432

Joseph J. DePalma
 LITE, DEPALMA GREENBERG & RIVAS, LLC
 Two Gateway Center, 12th Floor
 Newark, NJ 07102-5003
 Telephone: (973) 623-3000
 Email: jdepalma@ldgrlaw.com

Nunez v. Menu Foods
1:07-cv-1490-NLH
D. New Jersey

Jeff S. Westerman
Sabrina S. Kim
Cheryl A. Williams
Michiyo Michelle Furukawa
MILBERG WEISS & BERSHAD LLP
One California Plaza
300 S. Grand Avenue, Suite 3900
Los Angeles, CA 90071

Joseph J. DePalma
LITE, DEPALMA, GREENBERG & RIVAS, LLC
Two Gateway Center, 12th Floor
Newark, NJ 07102-5003
Telephone: (973) 623-3000
Email: jdepalma@ldgrlaw.com

Gagliardi v. Menu Foods
I:07-cv-01522-NLH-AMD
D. New Jersey

James Lee Davidson
Paul Jeffrey Geller
Stuart Andrew Davidson
LERACH COUGHLIN STOIA GELLER RUDMAN
& ROBBINS
120 B. Palmetto Park Rd., Suite 500
Boca Raton, FL 33432

Joseph J. DePalma
LITE, DEPALMA, GREENBERG & RIVAS, LLC
Two Gateway Center, 12th Floor
Newark, NJ 07102
Telephone: (973) 623-3000
Email: jdepalma@ldgrlaw.com

Golding v. Menu Foods
I:07-cv-01521-NLH-AMD
D. New Jersey

Jeff S. Westerman
Sabrina S. Kim
Cheryl A. Williams
Michiyo Michelle Furukawa
MILBERG WEISS & BERSHAD LLP
One California Plaza
300 S. Grand Avenue, Suite 3900
Los Angeles, CA 90071

Joseph J. DePalma
LITE, DEPALMA, GREENBERG & RIVAS, LLC
Two Gateway Center, 12th Floor
Newark, NJ 07102-5003
Telephone: (973) 623-3000
Email: jdepalma@ldgrlaw.com

Turturro v. Menu Foods
I:07-cv-01523-NLH-AMD
D. New Jersey

James Lee Davidson
Paul Jeffrey Geller
Stuart Andrew Davidson
LERACH COUGHILN STOLA GELLER RUDMAN
& ROBBINS
120 E. Palmetto Park Rd., Suite 500
Boca Raton, FL 33432

Donna Siegel Moffa
TRUJILLO, RODRIGUEZ & RICHARDS LLP
8 Kings Highway West
Haddonfield, NJ 08033
Telephone: (856) 795-9002
Email: donna@trrlaw.com

Schneider v. Menu Foods
1:07-cv-01533-NLH-AMD
D. New Jersey

Sherric R. Savett
Michael T. Fantini
Russell D. Paul
BERGER & MONTAGUE, P.C.
1622 Locust Street
Philadelphia, PA 19103

Robert A. Rovner
Jeffrey Zimmerman
ROVNER, ALLEN, ROVNER ZIMMERMAN &
NASH
175 Bustleton Pike
Feasterville, PA 19053-6456

Michael A. Ferrara, Jr.
THE FERRARA LAW FIRM, L.L.C.
601 Longwood Avenue
Cherry Hill, NJ 08002
Telephone: (856) 779-9500
Email: mferrara@ferraralawfirm.com

Berndl v. Menu Foods
1:07-cv-01553-NLH-AMD
D. New Jersey

Gary S. Graifman
KANTROWITZ, GOLDHAMMER & GRAIFMAN,
ESQS.
210 Summit Avenue
Montvale, NY 07645
Telephone: (201) 391-7000
Email: ggraifman@kgglaw.com

Pitisonberger v. Menu Foods
07-cv-01561-NLH-AMD
D. New Jersey

Robert Kaplan
Linda Nussbaum
Christine M. Fox
KAPLAN FOX & KILSHEIMER LLP
805 Third Avenue, 22nd Floor
New York, NY 10022

William J. Pinilis
KAPLAN FOX & KILSHEIMER LLP
237 South Street
Morristown, NJ 07962
Telephone: (973) 401-1111
Email: wpinilis@kaplanfox.com

Carter v. Menu Foods
I:07-cv-01562-NLH-AMD
D. New Jersey

William J. Pinilis
KAPLAN FOX & KILSHEIMER LLP
237 South Street
Morristown, NJ 07962
Telephone: (973) 401-1111
Email: wpinilis@kaplanfox.com

Bullock v. Menu Foods
I:07-cv-01579-NLH-AMD
D. New Jersey

Laurence D. King
KAPLAN FOX & KILSHEIMER LLP
555 Montgomery Street, Suite 1501
San Francisco, CA 94111

Todd M. Schneider
SCHNEIDER & WALLACE
180 Montgomery Street, Suite 2000
San Francisco, CA 94104

Gary B. Mason
Donna F. Sollen
THE MASON LAW FIRM, LLP
1225 19th Street, NW Suite 500
Washington, DC 20036

Gary S. Graifman
KANTROWITZ, GOLDHAMMER & GRAIFMAN
210 Summit Avenue
Montvale, NY 07645

Jeffrey A. Wigodsky
KARP, FROSH, LAPIDUS, WIGODSKY &
NORWIND
1133 Connecticut Ave. NW, Suite 250
Washington, DC 20036

Joseph M. Vanek
 VANEK, VICKERS & MASINI
 111 S. Wacker Drive, Suite 4050
 Chicago, IL 60606

James C. Shah
 SHEPHERD, FINKELMAN, MILLER & SHAH,
 LLC
 475 White Horse Pike
 Collingswood, NJ 08107-1909
 Telephone: (856) 858-1770
 Facsimile: (856) 858-7012
 Email: jshah@classactioncounsel.com

Christina Johnson v. Menu Foods
1:07-cv-01610-NLH-AMD
D. New Jersey

Scott A. George
 SEEGER WEISS, LLP
 550 Broad Street, Suite 920
 Newark, NJ 07102
 Telephone: (973) 639-9100
 Email: sgeorge@seegerweiss.com

Conner v. Menu Foods
1:07-cv-01623-NLH-AMD
D. New Jersey

Donna Siegel Moffa
 TRUJILLO RODRIGUEZ & RICHARDS
 8 Kings Highway West
 Haddonfield, NJ 08033
 Telephone: (856) 795-9002
 Email: donna@trrlaw.com

Long v. Menu Foods
1:07-01624-NLH-AMD
D. New Jersey

Donna Siegel Moffa
 TRUJILLO RODRIGUEZ & RICHARDS
 8 Kings Highway West
 Haddonfield, NJ 08033
 Telephone: (856) 795-9002
 Email: donna@trrlaw.com

Conti v. Menu Foods
1:07-cv-01638-NLH-AMD
D. New Jersey

Joseph J. DePalma
 LITE, DEPALMA, GREENBERG & RIVAS, LLC
 Two Gateway Center, 12th Floor
 Newark, NJ 07102-5003
 Telephone: (973) 623-3000
 Email: jdepalma@ldgrlaw.com

Freeman v. Menu Foods
1:07-cv-01646-NLH-AMD
D. New Jersey

William J. Pinilis
 KAPLAN FOX & KILSHEIMER LLP
 237 South Street
 Morristown, NJ 07962
 Telephone: (973) 401-1111
 Email: wpinilis@kaplanfox.com

Pirches v. Menu Foods
1:07-cv-01685-NLH-AMD
D. New Jersey

Joseph J. DePalma
 LITE, DEPALMA, GREENBERG & RIVAS, LLC
 Two Gateway Center, 12th Floor
 Newark, NJ 07102-5003
 Telephone: (973) 623-3000
 Email: jdepalma@ldgrlaw.com

Diedrich v. Menu Foods
 1:07-cv-01700-NLH-AMD
 D. New Jersey

Joseph J. DePalma
 LITE, DEPALMA, GREENBERG & RIVAS, LLC
 Two Gateway Center, 12th Floor
 Newark, NJ 07102-5003
 Telephone: (973) 623-3000
 Email: jdepalma@ldgrlaw.com

Sokolowski v. Menu Foods
 1:07-cv-01709-NLH-AMD
 D. New Jersey

Joseph J. DePalma
 LITE, DEPALMA, GREENBERG & RIVAS, LLC
 Two Gateway Center, 12th Floor
 Newark, NJ 07102-5003
 Telephone: (973) 623-3000
 Email: jdepalma@ldgrlaw.com

McCullouch v. Menu Foods
 1:07-cv-01710-NLH-AMD
 D. New Jersey

Joseph J. DePalma
 LITE, DEPALMA, GREENBERG & RIVAS, LLC
 Two Gateway Center, 12th Floor
 Newark, NJ 07102-5003
 Telephone: (973) 623-3000
 Email: jdepalma@ldgrlaw.com

Colquitt v. Menu Foods
 1:07-cv-01738-NLH-AMD
 D. New Jersey

Joseph J. DePalma
 LITE, DEPALMA, GREENBERG & RIVAS, LLC
 Two Gateway Center, 12th Floor
 Newark, NJ 07102-5003
 Telephone: (973) 623-3000
 Email: jdepalma@ldgrlaw.com

Debarthy v. Menu Foods
 1:07-cv-01739-NLH-AMD
 D. New Jersey

Seth R. Lesser
 LAW OFFICES OF GENE LOCKS, PLLC
 457 Haddonfield Road, Suite 500
 Cherry Hill, NJ 08002
 Telephone: (856) 663-8200
 Email: slesser@lockslawny.com

Byers v. Menu Foods
 1:07-cv-01747-NLH-AMD
 D. New Jersey

Donna Siegel Moffa
 TRUJILLO RODRIGUEZ & RICHARDS
 8 Kings Highway West
 Haddonfield, NJ 08033
 Telephone: (856) 795-9002
 Email: donna@trrlaw.com

Carestio v. Menu Foods
 1:07-cv-01762-NLH-AMD
 D. New Jersey

John T. Murray
Dennis E. Murray, Sr.
Leslie O. Murray
MURRAY & MURRAY CO., LPA
111 East Shoreline Drive
P.O. Box 19
Sandusky, OH 44870
Telephone: (419) 624-3000
Facsimile: (419) 624-0707
Email: jotm@murrayandmurray.com
dms@murrayandmurray.com
lom@murrayandmurray.com

Boehm v. Menu Foods
1:07-cv-01018-PCE
D. Ohio

Jeremy Gilman
Nicole Dorsky
BENESCH, FRIEDLANDER, COPLAN, ARONOFF
2300 BP Tower
200 Public Square, Suite 2300
Cleveland, OH 44114
Telephone: (216) 363-4593
Facsimile: (216) 363-4588
Email: jgilman@bfca.com
ndorsky@bfca.com

Peter N. Wasylyk
PETER N. WASYLYK - ATTORNEY AT LAW
1307 Chalkstone Avenue
Providence, RI 02908
Telephone: 831-7730
Facsimile: 861-6064
Email: pnwlaw@aol.com

Brown v. Menu Foods
1:07-cv-00115-ML-LDA
D. Rhode Island

Garrett D. Blanchfield, Jr.
Mark Reinhardt
REINHARDT WENDORF & BLANCHFIELD
332 Minnesota Street, Suite E-1250
St. Paul, MN 55101
Telephone: (651) 287-2100
Email: g.blanchfield@rwblawfirm.com
mreinhardt@comcast.net

Rozman v. Menu Foods Midwest Corp.
0:07-cv-01808-ADM-AJB
Minnesota

Andrew S. Kierstead
LAW OFFICE OF ANDREW S. KIERSTEAD
1001 SW Fifth Avenue, Suite 1100
Portland, OR 97204

Marc Stanley
 STANLEY MANDEL & IOLA, LLP
 3100 Monticello Avenue, Suite 750
 Dallas, TX 75205

A. James Andrews
 A. JAMES ANDREWS, ATTORNEY AT LAW
 905 Locust Street
 Knoxville, TN 37902
 Telephone: (865) 660-3993
 Facsimile: (865) 523-4623
 Email: andrewsesq@icx.net

Holt v. Menu Foods
 3:07-cv-00094
 E.D. Tennessee

Nicole Bass
 905 Locust Street
 Knoxville, TN 37902

Perry A. Craft
 CRAFT & SHEPPARD
 214 Centerview Drive, Suite 233
 Brentwood, TN 37027
 Telephone: (615) 309-1707
 Facsimile: (615) 309-1717
 Email: perrycraft@crafssheppardlaw.com

Dan C. Stanley
 Robert R. Kurtz
 STANLEY & KURTZ, PLLC
 422 S. Gay Street, 3rd Floor
 Knoxville, TN 37902
 Telephone: (865) 522-9942
 Facsimile: (865) 522-9945
 Email: rkurtz@lock-net.com
dan@danchanningstanley.com

Light v. Menu Foods
 3:07-cv-00098
 E.D. Tennessee

Michael David Myers
 MYERS & COMPANY
 1809 7th Avenue, Suite 700
 Seattle, WA 98101
 Telephone: (206) 398-1188
 Facsimile: (206) 398-1189
 Email: mmyers@myers-company.com

Whaley v. Menu Foods
 2:07-cv-00411-RSM
 W.D. Washington

Adam Karp
ANIMAL LAW OFFICES
114 W. Magnolia Street, Suite 425
Bellingham, WA 98225-4354
Telephone: (360) 738-7273
Facsimile: (360) 392-3936
Email: adam@animal-lawyer.com

Steve W. Berman
HAGENS BERMAN SOBOL SHAPIRO
1301 5th Avenue, Suite 2900
Seattle, WA 98101
Telephone: (206) 623-7292
Email: steve@hbsslaw.com

Heller v. Menu Foods
2:07-cv-00453-JCC
W.D. Washington

Michael David Myers
MYERS & COMPANY
1809 7th Avenue, Suite 700
Seattle, WA 98101
Telephone: (206) 398-1188
Facsimile: (206) 398-1189
Email: mmyers@myers-company.com

Steve W. Berman
HAGENS BERMAN SOBOL SHAPIRO
1301 5th Avenue, Suite 2900
Seattle, WA 98101
Telephone: (206) 623-7292
Email: steve@hbsslaw.com

Kornelius v. Menu Foods
2:07-cv-00454-MJP
W.D. Washington

Michael David Myers
MYERS & COMPANY
1809 7th Avenue, Suite 700
Seattle, WA 98101
Telephone: (206) 398-1188
Facsimile: (206) 398-1189
Email: mmyers@myers-company.com

Steve W. Berman
HAGENS BERMAN SOBOL SHAPIRO
1301 5th Avenue, Suite 2900
Seattle, WA 98101
Telephone: (206) 623-7292
Email: steve@hbsslaw.com

Johnson v. Menu Foods
2:07-cv-00455-JCC
W.D. Washington

Adam Karp
 ANIMAL LAW OFFICES
 114 W. Magnolia Street, Suite 425
 Bellingham, WA 98225-4354
 Telephone: (360) 738-7273
 Facsimile: (360) 392-3936
 Email: adam@animal-lawyer.com

Suggett v. Menu Foods
2:07-cv-00457-RSM
W.D. Washington

Jennifer Reba Thomaidis
 THOMAIDIS LAW, LLC
 1866 Vine Street
 Denver, CO 80206
 Telephone: (303) 322-4355
 Facsimile: (303) 322-4354
 Email: Jennifer@thomaidislaw.com

Tompkins v. Menu Foods
1:07-cv-00736-JLK
D. Colorado

<u>COURTS</u>	
Clerk of the Court U.S. District Court, Western District of Arkansas 35 B. Mountain Street, Suite 510 Fayetteville, AR 72701-5354	Clerk of the Court U.S. District Court, Central District of California 312 N. Spring Street, Rm G-8 Los Angeles, CA 90012
Clerk of the Court U.S. District Court, Northern District of California Phillip Burton United States Courthouse 450 Golden Gate Avenue, 16th Floor San Francisco, CA 94102-3434	Clerk of the Court U.S. District Court, Southern District of California 4290 Edward J. Schwartz United States Courthouse 940 Front Street San Diego, CA 92101
Clerk of the Court U.S. District Court, District of Colorado Alfred A. Arraj United States Courthouse 901 19th Street, 2nd Floor Denver, CO 80294	Clerk of the Court U.S. District Court, District of Connecticut 450 Main Hartford, CT 06103
Clerk of the Court U.S. District Court, Middle District of Florida George C. Young United States Courthouse 80 North Hughey Avenue, Suite 300 Orlando, FL 32801	Clerk of the Court U.S. District Court, Northern District of Florida United States Courthouse Annex 111 North Adams Street, 3rd Floor Tallahassee, FL 32301
Clerk of the Court U.S. District Court, Southern District of Florida 299 B. Broward Blvd., Suite 108 Fort Lauderdale, FL 33301	Clerk of the Court U.S. District Court, District Court of Idaho 400 James A. McClure Federal Bldg and United States Courthouse 550 West Fort Street

	Boise, ID 83724-0101
Clerk of the Court U.S. District Court, Northern District of Illinois 209 S. Dearborn Street Chicago, IL 60604	Clerk of the Court U.S. District Court, District Court of Maine Edward T. Gignoux Federal Courthouse 156 Federal Street Portland, ME 04101-4152
Clerk of the Court U.S. District Court, District of Massachusetts John Joseph Moakley United States Courthouse One Courthouse Way, Suite 2300 Boston, MA 02210-3002	Clerk of the Court U.S. District Court, District Court of Minnesota United States Courthouse 300 South Fourth Street, Suite 202 Minneapolis, MN 55415
Clerk of the Court U.S. District Court, District Court of Nevada Lloyd D. George United States Courthouse 333 Las Vegas Blvd. South, 1st Floor Las Vegas, NV 89101-7065	Clerk of the Court U.S. District Court, Northern District of Ohio Carl B. Stokes United States Courthouse 801 West Superior Avenue Cleveland, OH 44113
Clerk of the Court U.S. District Court, District of Rhode Island Federal Building and Courthouse One Exchange Terrace Providence, RI 02903	Clerk of the Court U.S. District Court, Eastern District of Tennessee Howard H. Baker Jr. United States Courthouse 800 Market Street, Suite 130 Knoxville, TN 37902-7902
Clerk of the Court U.S. District Court, Western District of Washington 700 Stewart Street Seattle, WA 98101	



Attorneys at Law

2300 BP Tower
200 Public Square
Cleveland, OH 44114-2378

Clerk of the Court
U.S. District Court
Western District of Washington
700 Stewart Street
Seattle, WA 98101

